

# Camden: Eyman and his detractors playing the initiative game

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The Columbian

Published: November 25, 2015, 6:00 AM



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Initiative entrepreneur Tim Eyman and his detractors squared off recently in the Capitol, where the ingenuity of their latest ideas was overshadowed by doubts about their earnestness.

Eyman signaled he has relatively little confidence the state Supreme Court will look kindly on the constitutionality of this year's proposal to force supermajority tax votes in the Legislature. He filed yet another ballot measure to force lawmakers' hands.

Under the new proposal filed by Eyman, et al, if legislators won't send voters a constitutional amendment to require two-thirds majorities for all new taxes, any new taxes without said supermajority will have to be passed again on an annual basis. Or something like that.

The latest supermajority scheme might be worthy of serious study and in-depth legal analysis were it not for one key point. Initiatives to the Legislature are traditionally filed in the summer, because the signatures must be submitted by New Year's Eve, just before lawmakers are returning to Olympia.

With less than six weeks to gather nearly 250,000 signatures, the initiative had dismal prospects, even before Eyman conceded it's really just a stalking horse. He won't gather signatures and plans to submit it again in January as an initiative to the people, at which time he'll have about five months to collect the needed names.

But this iteration, he said, allows the campaign to begin raising money right away, which he did with a steady stream of donation-seeking e-mails to his many fans. Anyone who thinks that's an over-the-top gambit for someone under state investigation for funny finances in a previous campaign doesn't really know Eyman, who is nothing if not an aficionado of audacity.

Which explains why he and his main partners, Spokane City Councilor Mike Fagan and Fagan's father, Jack, wandered down a Capitol Building hallway from the Secretary of

State's office, where initiatives are filed, to the governor's office for a formal unveiling to the news media. They brought with them ice cream, a reference to a comment they said Jay Inslee made about the tendency of voters to approve things that sound good, just as they are likely to accept a free bowl of ice cream.

#### Response to I-1366

Meanwhile, in an effort to out-Eyman Eyman, a progressive group filed an initiative that could make it harder for him — for that matter, anyone — to pass ballot measures in low-turnout years. The Northwest Progressive Institute's proposal, which also has no chance of making the signature deadline, would require at least 50 percent of all registered voters to cast ballots in the election or a ballot measure could not pass.

This is a response to this year's passage of Eyman's I-1366, which has about 51.5 percent of voters marking yes, but somewhere south of 40 percent of voters even bothering to turn in their ballots. That means "a small fraction of the state's electorate can impose laws on everybody else in an election with poor turnout," the institute's Andrew Villeneuve said. It is not "true democracy."

Actually, it is, as long as people had the chance to vote, but just didn't. Progressives should be careful what they ask for, because some initiatives they might propose in an off-year election, when turnout is often below 50 percent, could fall victim to such a rule.

They made a comparison to the Legislature, where the standard is the majority of the number of legislators, not a majority of those present. In that case, the rule would be passage with yes votes equal to 50 percent of registered voters, not a demand for turnout.

It also would require an initiative that calls for a supermajority on any matter to pass by that same supermajority. While somewhat logical as a defensive position, this has the same problem that they accuse Eyman's proposals of having, that a minority of voters could have a disproportionate say in things.

Progressives irked by Eyman seem to be wedded to the adage of fighting fire with fire. If this past summer of wildfire has taught us anything, it would be there are usually better tactics to employ.